

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

2 BRIAN STRETCH (CSBN 163973)  
Chief, Criminal Division

4 DENISE MARIE BARTON (MABN 634052)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-7359  
Facsimile: (415) 436-7234  
denise.barton@usdoj.gov

8 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) CR No. 03-07-70347 BZ  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED] ORDER  
17 GERALDO RODRIGUES, ) CONTINUING THE PRELIMINARY  
18 Defendant. ) HEARING AND EXCLUDING TIME  
19

20 On January 16, 2008, when the parties last appeared on this matter, the Court set a further  
21 date of January 30, 2008 for a Preliminary Hearing / Arraignment. The parties now stipulate and  
22 request that the Court enter an Order that the Preliminary Hearing be removed from the January  
23 30, 2008 calendar and be continued until March 7, 2008 and that time should be excluded from  
24 the Speedy Trial Act calculations from January 30, 2008 through March 7, 2008 for effective  
25 preparation of counsel. The parties are discussing pre-trial resolution of this matter and require  
26 additional time for defense counsel to review discovery and for the parties to engage in  
27 meaningful discussions. Further, counsel for the defendant does not believe that it is within his  
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1 client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.  
2 5.1(c),(d). The parties represent that granting this continuance is necessary for effective  
3 preparation of counsel to permit defense counsel to review discovery and to afford counsel time  
4 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18  
5 U.S.C. § 3161(h)(8)(B)(iv).

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7 IT IS SO STIPULATED.

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JOSEPH P. RUSSONIELLO  
United States Attorney

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DATED: January 25, 2008

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/s/  
DENISE MARIE BARTON  
Assistant United States Attorney

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DATED: January 25, 2008

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/s/  
RONALD C. TYLER  
Attorney for GERALDO RODRIGUES

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**IT IS SO ORDERED.**

17 For the reasons stated above, the Preliminary Hearing shall be removed from the January 30,  
18 2008 calendar and be continued until March 7, 2008. The Court further finds that the ends of  
19 justice served by the continuance outweigh the best interests of the public and the defendant in a  
20 speedy trial and that time should be excluded from the Speedy Trial Act calculations from  
21 January 30, 2008 through March 7, 2008 for effective preparation of counsel. See 18 U.S.C.  
22 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant  
23 effective preparation of counsel, taking into account the exercise of due diligence, and would  
24 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

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DATED: \_\_\_\_\_

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HONORABLE ELIZABETH D. LAPORTE  
United States Magistrate Judge

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